

# Article 6 | District Intensity Standards

## Sec. 6.1 District Intensity in General

### 6.1.1 Purpose

The district development standards of this Ordinance establish lot sizes and certain restrictions for all residential and nonresidential development. These standards allow for variety in housing and building types while maintaining the overall character of neighborhoods and commercial areas of Durham. Development standards established in this Ordinance are based on Durham's five planning Tiers. Standards in this section are specific to each district and are above and beyond the general standards for all districts enumerated in Articles 7-13. Separate standards are established to regulate residential and nonresidential development in each Tier and for certain nonresidential districts. This approach to district and Tier development standards implements the Comprehensive Plan and has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.
- E. It promotes infill development that is consistent in character and scale with established neighborhoods.
- F. It promotes market-based development decisions while protecting shared public interests.

### 6.1.2 Flexible Development Tools by Plan Tier

The district intensity standards set forth in this Article provide for flexible development tools in each planning Tier, as follows.

- A. **Rural Tier**  
Flexibility in the Rural Tier is encouraged through the use of a conservation subdivision.
- B. **Suburban Tier**  
Flexibility in the Suburban Tier is encouraged through:
  - 1. Variable housing types;
  - 2. A Major Roadway Density Bonus in the RS-M District;
  - 3. Lot averaging in conventional subdivisions;
  - 4. Cluster development;
  - 5. Planned Development – Residential (PDR);
  - 6. Planned Development – Mixed Use (MU); and

1           7. Affordable housing density bonus.

2           C. **Urban Tier**

3           Flexibility in the Urban Tier is encouraged through:

4           1. Lot averaging in conventional subdivisions;

5           2. Variable housing types;

6           3. Cluster development;

7           4. Planned Development – Residential (PDR);

8           5. Planned Development – Mixed Use (MU);

9           6. Variable standards for density calculations;

10          7. Major roadway density bonus; and

11          8. Affordable housing density bonus.

12          D. **Compact Neighborhood Tier**

13          Flexibility in the Compact Neighborhood Tier is encouraged through:

14          1. Lot averaging in conventional subdivisions;

15          2. Variable housing types;

16          3. The use of a development plan;

17          4. Planned Development – Mixed Use (MU); and

18          5. Affordable housing density bonus.

19          E. **Downtown Tier**

20          Flexibility in the downtown Tier is encouraged through:

21          1. Lot averaging in conventional subdivisions;

22          2. Variable housing types;

23          3. Planned Development – Mixed Use (MU); and

24          4. Central Business District (CBD).

## Sec. 6.2 Residential Rural (RR) Development Intensity

### 6.2.1 Development Standards

#### A. Dimensional Standards

All residential development in the RR District shall meet the standards in the table below, except that, any legally established lot of record created prior to the effective date of this Ordinance may be developed with a single family residence subject to Watershed Protection Overlay standards (Sec. 8.8) and the availability of water and wastewater treatment systems.

Dimensional Standard	Rural Tier		Suburban Tier	
	Min.	Max.	Min.	Max.
Residential Density (units per acre)				
Conventional Subdivision	---	0.33	---	1.0
Conservation Subdivision	---	0.5	---	---
Open Space (% of gross area) <sup>1</sup>				
Conventional Subdivision	---	---	---	---
Conservation Subdivision	40	---	---	---
Lot Area				
Conventional Subdivision (min.)	3 ac.	---	30,000 s.f.	---
Conservation Subdivision	X <sup>2</sup>	---	---	---
Lot Width (feet)	200 <sup>3</sup>	---	100	---
Street Yard (feet)	50 <sup>3</sup>	---	50	---
Side Yard (feet)				
Minimum Each Side	25 <sup>3</sup>	---	12	---
Minimum Both Sides (total)	50 <sup>3</sup>	---	30	---
Rear Yard (feet)	50 <sup>3</sup>	---	25	---
Height (feet)	---	35 <sup>4</sup>	---	35 <sup>4</sup>

<sup>1</sup> Please see Sec. 12.5, Recreation Land for additional land dedication requirements that may apply.

<sup>2</sup> Minimum lot area as approved by the County Health Department for individual wastewater treatment systems or "Package Plant" style wastewater treatment systems.

<sup>3</sup> Within a Conservation Subdivision, these standards may be varied by the approving authority to reflect the Clustering standards used by the conservation subdivision.

<sup>4</sup> Additional height may be permitted for non-farm structures at a rate of one additional foot for every one foot of additional setback provided. However, in no event shall the structure be more than 45 feet in height.

**B. Development in the Rural Villages of Bahama and Rougemont as designated in the Comprehensive Plan may use the Suburban Tier dimensional standards subject to Watershed Protection Overlay standards (Sec. 8.8) and the availability of water and wastewater treatment systems.**

#### C. Accessory Structure Requirements (City Only)

In addition to the accessory structure requirements set forth in Sec. 5.4, the following accessory structures shall maintain a minimum 50-foot setback from all property lines.

- 1. New farm buildings and equestrian facilities; ~~shall be located at least 50 feet from property lines.~~**
- 2. Stables; and ~~shall be at least 100 feet from any off-site residences.~~**

- 1           **3.**   Pens, chicken coops, corrals or similar enclosures where livestock are kept. ~~shall~~  
2           ~~be located at least 100 feet away from any pre-existing off-site dwelling and at~~  
3           ~~least 50 feet from any property line.~~ Drainage shall be provided for the pen or  
4           enclosure so as not to create areas for breeding insects, flies or mosquitoes.  
5           ~~Grazing land shall be exempt from this paragraph.~~

6   **6.2.2   Permitted Housing Types**

7           Only single-family detached dwelling units and manufactured homes shall be  
8           permitted.

9   **6.2.3   Residential Density**

10          Residential density shall not exceed the maximum densities set forth in Sec. 6.2.1A.

11   **6.2.4   Conservation Subdivision**

12          **A.   Purpose**

13          The conservation subdivision shall be established for the following purposes:

- 14          **1.**   To provide flexibility of design in order to promote environmentally sensitive  
15               and efficient uses of the land;
- 16          **2.**   To preserve in perpetuity unique or sensitive natural resources such as  
17               groundwater, floodplains, wetlands, streams, steep slopes, woodlands and  
18               wildlife habitat;
- 19          **3.**   To preserve important historic and archaeological sites;
- 20          **4.**   To permit clustering of houses and structures on less environmentally sensitive  
21               soils which will reduce the amount of infrastructure, including paved surfaces  
22               and utility easements, necessary for residential development;
- 23          **5.**   To reduce erosion and sedimentation by minimizing land disturbance and  
24               removal of vegetation in residential development;
- 25          **6.**   To promote interconnected greenways and corridors throughout the  
26               community;
- 27          **7.**   To promote contiguous green space with adjacent jurisdictions;
- 28          **8.**   To encourage interaction in the community by clustering houses and orienting  
29               them closer to the street, providing public gathering places and encouraging use  
30               of parks and community facilities as focal points in the neighborhood;
- 31          **9.**   To encourage street designs that reduce traffic speeds and reliance on main  
32               arteries;
- 33          **10.** To promote construction of convenient landscaped walking trails and bike paths  
34               both within the subdivision and connected to neighboring communities,  
35               businesses and facilities to reduce reliance on automobiles;
- 36          **11.** To conserve scenic views from public roadways and reduce perceived density;  
37               and
- 38          **12.** To protect prime agricultural land and preserve farming as an economic  
39               activity.

1        **B. Applicability of Regulations**

2        This Conservation Subdivision option is available as a use by right subject to  
3        subdivision approval in accordance with Sec. 3.6.

4        **C. Ownership of Development Site**

5        The tract of land to be subdivided may be held in single and separate ownership or in  
6        multiple ownership. If held in multiple ownership, however, the site shall be  
7        developed according to a single plan with common authority and common  
8        responsibility.

9        **D. Density Calculation**

10       Density in a conservation subdivision shall be determined by multiplying the gross  
11       area of the tract of land by the maximum gross density for the district.

12       **E. Application Requirements**

13       **1. Submittal Requirements**

14       At the time of application for a Conservation Subdivision, in addition to all  
15       subdivision application materials required in accordance with Sec. 3.6, the  
16       applicant shall submit a site analysis map and an open space management plan  
17       (see Sec. 7.2.6).

18       **2. Site Analysis Map**

19       The purpose of the site analysis map is to ensure that the important site features  
20       have been adequately identified prior to the creation of the site design, and that  
21       the proposed open space will meet the requirements of this section. The site  
22       analysis map shall include the following features, or, within the F/J-A  
23       Watershed Protection Overlay, an application for a privately owned wastewater  
24       treatment facility or connection to a public system:

- 25       a. Property boundaries;
- 26       b. All streams, rivers, lakes, wetlands and other hydrologic features;
- 27       c. Topographic contours of no less than 10-foot intervals unless a more  
28       precise vertical scale is available;
- 29       d. All primary and secondary conservation areas labeled by type (see  
30       paragraph F. below);
- 31       e. General vegetation characteristics;
- 32       f. General soil types and areas suitable for installation of on-site wastewater  
33       treatment systems;
- 34       g. The planned location of protected open space;
- 35       h. Existing roads and structures; and
- 36       i. Potential connections with existing open space and trails.

37       **F. Primary and Secondary Conservation Areas**

38       **1. Primary Conservation Areas**

39       The following are considered primary conservation areas and are required to be  
40       included within the open space, unless the applicant demonstrates that this  
41       provision would constitute an unusual hardship and be counter to the purposes  
42       identified in Sec. 6.2.4A:

- a. The 100-year floodplain;
- b. Required riparian buffers along all perennial and intermittent streams;
- c. Areas at least 5,000 contiguous square feet in area with slopes above 25%;
- d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
- e. Sites identified in the Durham Inventory of Natural Areas and Rare Species;
- f. Sites identified in the North Carolina Natural Heritage Program;
- g. Durham County Inventory of Cultural and Natural Resources;
- h. Durham County Archaeological Inventory; and
- i. Archaeological sites, cemeteries and burial grounds.

**2. Secondary Conservation Areas**

The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible.

- a. Historic sites or structures, where previously designated or eligible for the National Register of Historic Places;
- b. Sites listed with the Durham Architectural and Historic Inventory;
- c. Existing healthy, hardwood forests at least one contiguous acre in area;
- d. Individual existing healthy trees greater than 18 inches dbh;
- e. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
- f. Wildlife corridors, trail corridors and other open spaces shown on adopted plans;
- g. Areas less than 5,000 contiguous square feet in area with slopes above 25%;
- h. Prime agricultural lands at least five contiguous acres in area; and
- i. Existing trails that connect the tract to neighboring areas.

**G. Open Space**

1. Open space in a Conservation Subdivision shall be in accordance with Sec. 7.2.
2. An open space management plan shall be prepared and submitted prior to the submittal of final plat.
3. An instrument of permanent protection such as a conservation easement or permanent restrictive covenant shall be placed on the protected conservation area before the recording of the final plat.

## Sec. 6.3 Residential Suburban (RS) Development Intensity

### 6.3.1 Development Standards

#### A. Dimensional Standards

All residential development in the RS Districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)	---	2.0 <sup>1</sup>	---	3.5 <sup>1</sup>	---	5.0 <sup>1</sup>	---	10.5 <sup>1,2</sup>
Open Space(% of gross area) <sup>3</sup>								
Conventional Subdivision	15	---	15	---	15	---	18	---
Cluster Subdivision	15 <sup>4</sup>	---	15 <sup>4</sup>	---	15 <sup>4</sup>	---	18 <sup>4</sup>	---
Useable Open Space	5	---	5	---	5	---	6	---
Site Area (acres)								
Conventional Subdivision	---	---	---	---	---	---	4	---
Cluster Subdivision	4	---	4	---	4	---	4	---
Site Width (feet)	---	---	---	---	---	---	200	---
Lot Area (square feet)								
Conventional Single-Family Detached	20,000 <sup>5</sup>	---	10,000 <sup>5</sup>	---	8,000 <sup>5</sup>	---	5,000 <sup>5</sup>	---
Other Housing Types	See Sec. 7.1, Housing Types							
Height (feet)	---	35 <sup>6</sup>	---	35 <sup>6</sup>	---	35 <sup>6</sup>	---	35 <sup>7</sup>

<sup>1</sup> Density may be increased in accordance with Sec. 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Density Bonus. Other than these options the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot requirements.

<sup>2</sup> Projects proposing densities greater than eight units per acre shall require the approval of a development plan.

<sup>3</sup> Please see Sec. 12.5, Recreation Land for additional land dedication requirements that may apply.

<sup>4</sup> Minimum open space; cluster lot size reduction added to this percentage.

<sup>5</sup> Lot area may be reduced in accordance with Sec. 6.3.3C, Lot Averaging.

<sup>6</sup> Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided; however, in no event shall the additional height be more than 10 feet.

<sup>7</sup> Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided, if shown on a development plan.

#### B. RS-20 District Accessory Structure Requirements (City Only)

In addition to the accessory structure requirements set forth in Sec. 5.4, the following accessory structures shall maintain a minimum 50-foot setback from all property lines:

1. New farm buildings and equestrian facilities; ~~shall be located at least 50 feet from property lines.~~
2. Stables; and ~~shall be at least 100 feet from any off-site residences.~~
3. Pens, chicken coops, corrals or similar enclosures where livestock are kept. ~~shall be located at least 100 feet away from any pre-existing off-site dwelling and at least 50 feet from any property line.~~ Drainage shall be provided for the pen or enclosure so as not to create areas for breeding insects, flies or mosquitoes.  
~~Grazing land shall be exempt from this paragraph.~~

### 6.3.2 Permitted Housing Types

A variety of housing types shall be permitted in the RS Districts in accordance with the following table. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RS-20	RS-10	RS-8	RS-M
Single-family detached	✓	✓	✓	✓
Zero lot line house		✓	✓	✓
Patio house		✓	✓	✓
Semi-attached house		✓ <sup>1</sup>	✓ <sup>1</sup>	✓
Duplex				✓
Townhouse				✓
Multiplex				✓
Apartment				✓

<sup>1</sup> Cluster subdivision only, see Sec. 6.7.

### 6.3.3 Residential Density

#### A. Maximum Residential Density

Residential density shall not exceed the maximum densities set forth in Sec. 6.3.1A.

#### B. RS-M District Major Roadway Density Bonus

All parcels with at least 500 feet of frontage on a major thoroughfare in the RS-M District shall be eligible for an increase in maximum residential density of four units per acre.

#### C. Lot Averaging

Lot area averaging, as more specifically set forth in the housing types in Sec. 7.1, is permitted, provided that:

1. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
2. The overall density of the subdivision does not exceed the maximum permitted residential density.

***Commentary:*** *Some lots in a proposed conventional subdivision may be reduced in area by up to 15% (a 10,000 SF lot could be reduced to 8,500 SF), provided that other lots exceeded 10,000 SF and the overall average lot area was 10,000 SF or greater.*

***Minimum interior lot area and dimensions (Including setbacks):*** *Interior lots shall not be reduced by more than fifty percent from the base zone requirements. No principal building shall be closer than 15 feet to either a public street right-of-way or a principal building on an adjacent lot.*



## Sec. 6.4 Residential Urban (RU) Development Intensity

### 6.4.1 Development Standards

All residential development in the RU districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RU-5		RU-3		RU-M	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Project Under 4 Acres	---	7.4 <sup>1</sup>	---	12.3 <sup>1</sup>	---	17.5 <sup>1</sup>
Project 4 Acres or Greater	---	8.7 <sup>1</sup>	6.0	14.0 <sup>1</sup>	8.0	17.5 <sup>1</sup>
Open Space (% of gross area) <sup>2</sup>	5	---	5	---	6	---
Site Area	See Sec. 7.1, Housing Types					
Site Width						
Lot Area						
Height (feet)	---	35 <sup>3</sup>	---	35 <sup>3</sup>	---	55 <sup>4</sup>

<sup>1</sup> Density may increase with bonuses in Sec. 6.4.3 below and Sec. 6.6, Affordable Housing Density Bonus.

<sup>2</sup> Please see Sec. 12.5, Recreation Land for additional land dedication requirements that may apply.

<sup>3</sup> Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided. However, in no event shall the structure be more than 45 feet in height.

<sup>4</sup> If the project is on at least a 4 acre lot, the maximum height may be increased up to 75 ft. through the issuance of a Minor Special Use Permit.

~~Areas within the RU and RU-M districts may be subject to additional environmental protection restrictions as set forth in Article 8, Environmental Protection.~~

### 6.4.2 Permitted Housing Types

A variety of housing types shall be permitted in the RU Districts in accordance with the following table. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RU-5	RU-3	RU-M
Single-family detached	✓	✓	✓
Zero lot line house	✓	✓	✓
Traditional house	✓	✓	✓
Patio house	✓	✓	✓
Semi-attached house	✓	✓	✓
Duplex		✓	✓
Townhouse	✓ <sup>1</sup>	✓	✓
Multiplex		✓	✓
Apartment			✓

<sup>1</sup> Cluster subdivision only, see Sec. 6.7.

### 6.4.3 Residential Density

#### A. Maximum Residential Density

Residential density shall not exceed the maximum densities set forth in Sec. 6.4.1.

**B. Minimum Residential Density**

Development on sites over four acres in size shall be required to meet or exceed the minimum densities set forth in Sec. 6.4.1.

**C. Major Roadway Density Bonus Area**

For projects located adjacent to streets with a right-of-way over 50 feet in width, the area for the project shall be calculated to include that portion of right-of-way in excess of 50 feet.

***Commentary:*** Including the portion of the right-of-way in excess of 50 feet in the area calculation has the effect of increasing the project area, allowing a higher density for the proposed development. This encourages the more intense development to occur adjacent to the arterial roads.

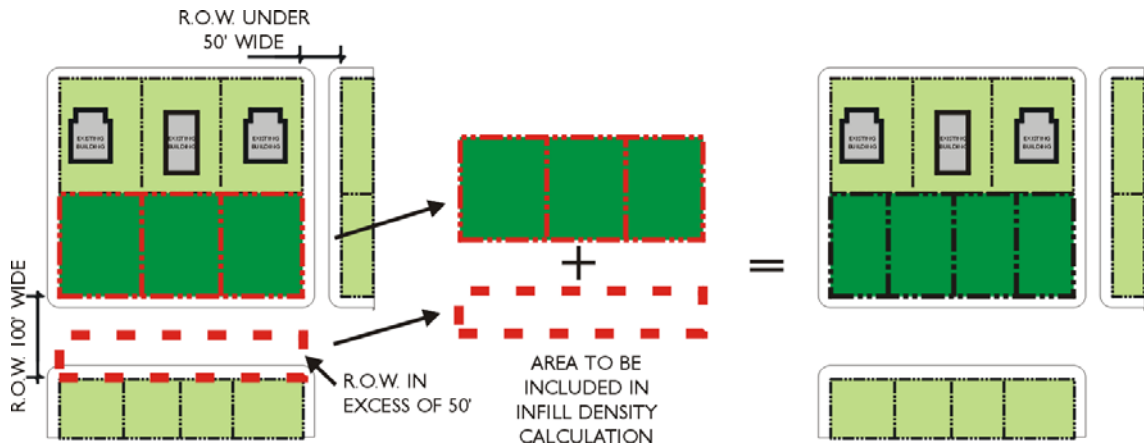
**SAMPLE CALCULATION:**

*A project includes recombination of 3 lots measuring 50 by 100 feet, and lies adjacent to a right-of-way measuring 80 feet in width.*

*50 x 100 = 5,000 SF x 3 existing lots = 15,000 SF (standard calculation)*

*Frontage of 150 feet x 30 feet (in excess of 50-foot R-O-W) = 4,500 SF*

*Bonus Area Density Allocation = 19,500 SF (.44 ac.) multiplied by 10.0 units per acre = 4.4 units (4 lots)*

**D. Lot Averaging**

Lot area averaging, as more specifically set forth in the housing types in Sec. 7.1, is permitted, provided that:

- 1. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and**
- 2. The overall density of the subdivision does not exceed the maximum permitted residential density.**

## Sec. 6.5 Residential Compact (RC) Development Intensity

### 6.5.1 Development Standards

#### A. Dimensional Standards

All residential development in the RC District shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RC	
	Min.	Max.
Residential Density (units per acre)		
Downtown	1	1
Core Area	12.0	52.5 <sup>2</sup>
Support Area	6.0	17.5 <sup>2</sup>
Open Space (% of gross area) <sup>3</sup>		
Downtown	1.0	---
Core Area	2.0	---
Support Area	5.0	---
Site Area	See Sec. 7.1, Housing Types	
Lot Area		
Height (feet)		
Downtown	24	1
Core Area	24	75
Support Area	---	50

<sup>1</sup> Density and dimensional standards for the Downtown Overlay Districts (DDO-1,2,3) shall be determined in accordance with Sec. 4.8.

<sup>2</sup> Density may be increased in accordance with 6.5.3 below and Sec. 6.6, Affordable Housing Density Bonus.

<sup>3</sup> Please see Sec. 12.5, Recreation Land for additional land dedication requirements that may apply.

#### B. Core and Support Area

1. Where a Compact Neighborhood Plan exists, the core and support area shall be as defined in such plan.
2. Where no plan exists, the following distances shall apply:
  - a. The core area shall be considered any site or portion of a site in the Compact Neighborhood Tier that lies no more than 1,000 feet from the station platform, measured in a straight line from the proposed or existing station platform; and
  - b. The support area shall be considered any site within the Compact Neighborhood Tier that lies outside the core area.

### 6.5.2 Permitted Housing Types

- #### A. A variety of housing types shall be permitted in the RC District in accordance with the following table. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RC		Downtown	
	Support Area	Core Area	DDO-3	DDO-1, DDO-2
Single-family detached	✓		✓	
Zero lot line house	✓		✓	
Traditional house	✓		✓	
Patio house	✓		✓	
Semi-attached house	✓		✓	
Duplex	✓		✓	
Townhouse	✓	✓	✓	✓
Multiplex	✓	✓	✓	✓
Apartment	✓	✓	✓	✓

<sup>1</sup> May be permitted through Sec. 6.8, Infill Development in Residential Districts.

B. Standards for residential development otherwise established in this Ordinance, may be modified through the use of a Development Plan pursuant to Sec. 3.5.6. Specific standards that may be modified are:

1. Building height as shown in Sec. 6.5.1A; and
2. Site and lot requirements as shown in Sec. 7.1, Housing Types.

### 6.5.3 Residential Density

#### A. Maximum Residential Density

Residential density shall not exceed the maximum densities as set forth in Sec. 6.5.1A, unless a project provides for vertical integration of uses with at least 65% of the total floor area allocated to residential uses and at least 75% of the ground floor allocated for nonresidential uses. Projects which meet this requirement may increase their residential density by up to 25%.

~~The Approving Body may grant up to a 25 percent increase in the number of dwelling units over the base zone when residential uses are combined with nonresidential uses in the same structure.~~

#### B. Minimum Residential Density

Development in the RC District shall be required to meet or exceed the minimum densities set forth in Sec. 6.5.1A, unless ~~In some situations~~ this density may ~~is not be~~ appropriate due to existing development patterns (historic districts, stream buffers, etc.). In ~~such~~ these cases, the ~~governing body~~ approving authority may ~~allow~~ approve a reduction in the number of units per acre below the established minimum.

#### C. Lot Averaging

Lot area averaging, as more specifically set forth in the housing types in Sec. 7.1, is permitted, provided that:

1. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
2. The overall density of the subdivision does not exceed the maximum permitted residential density.

## Sec. 6.6 Affordable Housing Density Bonus

### 6.6.1 Applicability

- A. This program may be utilized at the time of site plan or subdivision for projects in any zoning district where residences are permitted, except as noted below.
- B. A project shall have a minimum of 15 new units, or be at least a 15-unit addition to an existing residential development.
- C. At least 15% of the units shall have payments affordable to persons and families with annual incomes at or below 60% of the area median family income by family size, according to target income limits set by the United States Department of Housing and Urban Development (HUD) for Durham.
- D. This program may not be used by projects meeting any of the following criteria:
  - 1. Projects proposed in an area having a concentration of subsidized housing as defined in the Comprehensive Plan; or
  - 2. Projects that are 100% “affordable” by HUD standards.

### 6.6.2 Bonus Program

- A. A density bonus of up to 15% may be granted by the Approving Authority for projects providing units affordable to persons with incomes between 50% and 60% of the median family income for the jurisdiction.
- B. A density bonus of up to 20% may be granted by the Approving Authority for projects providing units affordable to persons with incomes below 50% of the median family income for the jurisdiction.
- C. Affordable units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, design or other physical characteristics.
- D. In multifamily developments, no reductions in lot sizes or yard requirements shall be permitted.
- E. In single-family developments, lot sizes and yard requirements in internal lots may be reduced up to 20% in order to incorporate the additional units; however, no decrease in lot size or yard requirements in perimeter lots shall be permitted.
- F. Units added through this program shall not increase the amount of open space otherwise required for the project.
- G. Affordability limits in rental units shall be adhered to for a minimum of 15 years. An annual report shall be provided by the project developer or manager to the Housing and Community Development Director, for sites within the City’s jurisdiction, or to the County Manager, for sites within the County’s jurisdiction, which identifies the incomes of persons residing in the affordable units, and the rents or initial sales price being charged, to verify these are within the established limits.
- H. Affordability in for-sale units shall be required to be adhered to only in the initial sale.
- I. Compliance measures may be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.

**Purpose**

In order to encourage the development of affordable housing throughout the community, a zoning density bonus is available for many types of residential development.

**Bonus Requirements**

Density bonuses can be applied to a proposed residential development, subject to the following requirements:

This program may be applied as part of the site plan or subdivision approval process for projects in any zoning district where residences shall be permitted, except as noted below.

A project shall propose a minimum of 20 new units need to be built to be eligible, either on a new site or as an addition to an existing development.

At least 15 percent of the units shall have payments affordable to persons and families with annual incomes at or below 60 percent of the area median family income by family size, according to target income limits set by HUD for Durham. A developer could receive up to a 20 percent density bonus if providing units for persons with incomes below 50 percent of the median family income and could receive up to a 15 percent density bonus for assisting persons between 50 percent and 60 percent of the median family income.

These required affordability limits shall be adhered to for a minimum of 15 years.

The housing developer shall be required to submit an annual report during this time to the Housing and Community Development Director (in the City) or to the County Manager or his designee (in the County) to verify incomes of persons residing in and rents being charged in, or initial sale price of, the affordable units are within the established limits. Compliance measures, including but not limited to contracts, restrictive covenants, deed restrictions and stipulated penalties, may be required.

All affordable units shall be incorporated throughout the project, using similar or compatible physical and design characteristics. These units shall not be physically grouped together or otherwise separated from other units.

**Density Bonus Calculation**

In determining the application of the density bonus, the following considerations shall be applied:

For multifamily developments, the maximum permitted density on the property may be increased by up to 15 percent or 20 percent (see paragraph 6.6.2C above). Neither lot sizes nor setbacks of buildings from exterior property lines may be reduced.

For single-family developments, the percentage increase in density and corresponding decrease in allowable lot size and/or setbacks for internal lots shall be up to 15 percent or 20 percent (see paragraph 6.6.2C above). No reductions in setbacks for exterior lots shall be permitted.

Units added through application of the affordable housing density bonus shall not be used to require an increase in the amount of open space otherwise required for a project.

This provision may not be used by projects meeting any of the following criteria:

Projects proposed in any area of the City or County designated in the Comprehensive Plan as having a concentration of subsidized housing or poverty greater than that of the City or County as a whole;

Projects zoned with an adopted Development Plan that specifies a maximum number of units to be allowed on the site;

Projects located with the Downtown Design Overlay;

Projects within a designated historic district; or

1        ~~Projects that are 100 percent affordable.~~  
2

## Sec. 6.7 Cluster Subdivision Development

### 6.7.1 Purpose

To encourage innovation in residential subdivision design, cluster subdivisions ~~developments~~ shall be permitted providing for more efficient layout of lots, streets, and utilities, for the preservation of open space and recreation areas, and for the protection of unique site features and scenic vistas. Cluster subdivisions shall ~~developments~~ permitting reductions in lot area in exchange for equal amounts of open space ~~shall be allowed on a one-to-one basis, in all single-family zoning districts~~ subject to ~~the standards of applicable zoning regulations, this ordinance, and the~~ following standards. ~~additional criteria:~~

### 6.7.2 Minimum Site Area

~~The minimum acreage required for a Cluster Subdivision shall be four acres. Acreage in cluster development: minimum 4 acres. Maximum number of lots: no greater than the number permitted by the base zone classification.~~

### 6.7.3 Maximum Number of Lots

The maximum number of lots shall be no greater than the maximum number permitted in the base district.

### 6.7.4 Housing Types

A variety of housing types shall be permitted in a Cluster Subdivision in accordance Sec. 7.1, Housing Types.

### 6.7.5 Open Space

- A. The subdivision shall include designated common open space as referenced below.  
~~equivalent to in land area to combined reductions in lot area.~~

District	Open Space
RS Districts	See Sec. 6.3.1A
RU Districts	See Sec.6.4.1
RC Districts	See Sec. 6.5.1A

- B. Open space shall be identified on plats as being permanently set aside to satisfy cluster land area requirements.
- C. Open space shall be situated so as to provide perpetual environmental or recreational benefit to the overall development.
- D. Open space shall meet all of the requirements of Sec. 7.2, Open Space.
- E. Please see Sec. 12.5, Recreation Land for additional land dedication requirements that may apply.

### 6.7.6 Perimeter Treatment

~~Minimum exterior lot area and dimensions (including setbacks):~~ Property on the edge of cluster developments shall either:



- 1       A. Be set aside in open space that includes a buffer with an opacity of 0.6, as set forth in  
2       Article 9, Landscaping and Buffering; which satisfies the requirement for a 50-foot  
3       buffer in; or
- 4       B. Be platted in lots that conform to the ~~base zone dimensional~~ conventional single-  
5       family detached house requirements for the district; ~~unless the Approving Authority~~  
6       ~~determines that a reduction in dimensional requirements of twenty percent or less is~~  
7       ~~appropriate;~~ or
- 8       C. Be platted in lots that satisfy the equivalent zoning dimensional district requirements  
9       of the immediately adjacent ~~residential-zoned~~ exterior property. ~~unless the~~  
10      ~~Approving Authority determines that lots of different dimensions are more~~  
11      ~~appropriate in order to be consistent with the actual size of the adjacent platted lots.~~

## Sec. 6.8 Infill Development in Residential Districts

***Commentary:** In order to preserve the basic “feel” of a street, it is important that new construction complements existing construction and respects existing design elements that help define the public space.*

### 6.8.1 Applicability

#### A. RS District

1. This section shall apply to any multi-family development located on a site of less than four acres that is surrounded on all sides by single-family residential property.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P).” Procedures for developing a Neighborhood Protection Overlay district are listed in Sec. 4.5.

#### B. RU Districts

1. This section shall apply to any new project or modification of any existing building located on a site of less than four acres in an RU District.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P).” Procedures for developing a Neighborhood Protection Overlay district are listed in Sec. 4.5.

#### C. RC Districts and DDO-1 and -2

This section may be used to permit the development of single-family detached houses as a transition to adjacent single-family uses in the Core Area of the RC District and in DDO-1 and -2.

### 6.8.2 Lot Width

#### A. The minimum width of a lot not located on a corner shall be the smaller of:

1. The average width of the two adjacent lots; or
2. The median of the widths for all other lots on the same linear block.

#### B. The minimum width of a corner lot shall be the smaller of:

1. The width of the adjacent lot; or
2. The median of the widths for all other lots on the same linear block.

### 6.8.3 Yards

#### A. Street Yards

The minimum street yard requirement shall be:

1. The average street yard of the two adjoining parcels, if both parcels are developed and share the same zoning district as the property proposed for development; or
2. The average street yard of all developed properties in the same block face as the property proposed for development, if either of the adjoining parcels is not developed and the block exceeds 500 linear feet; or

- 1        3. The average street yard for all developed properties in the same block face as the  
2        property proposed for development that also have the same zoning designation as  
3        the property proposed for development, if either of the adjoining parcels is not  
4        developed and the block is less than 500 linear feet.

5        **B. Side Yards**

- 6        1. If the side wall of an existing structure is located on or within three feet of the  
7        property line, windows or other openings in the new structure that would allow  
8        for visibility into the side yard of the adjacent lot shall not be allowed unless a  
9        minimum 10-foot building separation is provided. Windows that do not allow  
10       visibility into the side yard of the adjacent lot, such as clerestory windows or  
11       translucent windows, shall be allowed.
- 12       2. Porte-cocheres may extend into the side yard when incorporated into the design  
13       and construction of the primary structure, but in no case shall they be permitted  
14       to be closer than three feet from the property line.

15       **C. Landscaping**

16       Infill development shall continue the pattern of street yard trees that has been  
17       established on all lots within 150 feet of the property unless an intervening street  
18       exists prior to that distance, in which case the street location shall define the  
19       terminating point of the required street tree pattern. When new trees are planted,  
20       they shall be a variety that, at maturity will be similar in height, width and form to  
21       existing trees in the context area. See Sec. 9.6, Street Trees.

22       **Yards**

23       ~~A new residential structure shall not be required to conform to the minimum street yard~~  
24       ~~requirements of the district in the following circumstances:~~  
25       ~~Where 50% or more of the residential lots on the same block as the lot in question are developed~~  
26       ~~with less than the required street yard, the average setback of the developed residential lots on~~  
27       ~~the block with less than the required street yard shall be observed as the minimum setback for a~~  
28       ~~new residential structure;~~  
29       ~~Where the lot on which the new residential structure is proposed is between two adjacent~~  
30       ~~existing developed residential lots with less than the required street yard, the average setback of~~  
31       ~~both adjacent residential lots shall be observed as the minimum street yard; or~~  
32       ~~Where a block of less than 500 feet is split into more than one zoning district, the zoning district~~  
33       ~~with the most frontage shall determine the minimum street setback. However, this provision~~  
34       ~~shall not apply if the street right-of-way is less than 50 feet wide and there is property on the~~  
35       ~~opposite side of the street is residentially used or zoned;~~

36       **6.8.4 Buildings**

37       **A. Context Area**

38       The context area for measurement of standards in this section shall be based on any  
39       principal buildings located on lots within 150 feet of the property line of the proposed  
40       site. Where an intervening street exists within this 150-foot distance, the street shall  
41       be considered the furthest extent of the context area (no measurements are required  
42       on neighboring blocks).

43       **B. Building Width**

44       New construction shall not exceed the average building width for existing residential  
45       structures in the context area by more than 25%, unless a building articulation of at

1 least six feet in depth to mimic the average building width in the context area is  
2 provided.

3 **C. Building Height**

4 The maximum height shall not exceed the height of an adjacent structure by more  
5 than 14 feet, except for those portions of the new or modified structure that lie more  
6 than 25 feet from the adjacent structure.

7 **D. Main Entrance**

8 Every principal structure shall have a main entrance on a street other than an alley.  
9 On corner lots, the main entrance may face either street or may be oriented toward  
10 the corner. For buildings that have more than one main entrance (e.g., a duplex),  
11 only one main entrance is required to face a street.

12 **E. Garages**

13 **1. Where an alley access is provided and developed, all vehicular access shall be**  
14 **taken from the alley.**

15 **2. When a garage entrance faces a street other than an alley, a single garage**  
16 **entrance shall be no more than 22 feet in width and such entrance shall be set**  
17 **back a minimum of 20 feet from the right-of-way or the average setback of the**  
18 **developed residential lots within the context area, whichever is greater.**

19 **3. The construction material of the garage shall match that of the primary**  
20 **structure.**

21 **6.8.5 Vehicular Use Areas**

22 **1. Residential**

23 Infill residential uses with four or more dwelling units shall locate on-site  
24 parking to conform to the predominant location of parking in the context area  
25 established in Sec. 6.8.4A.

26 **2. Nonresidential**

27 **a. On-site parking facilities shall not be located in any required street yard.**

28 **b. If parking facilities are located to the rear of the subject structure, a rear**  
29 **entrance to the structure shall be provided.**

## Sec. 6.9 Nonresidential Development in Residential Districts

### 6.9.1 Dimensional Standards

Nonresidential development in residential districts shall comply with the dimensional standards in the following table:

	RURAL		SUBURBAN		URBAN		COMPACT	
Development Standard	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	5 ac.	---	15,000	---	5,000	---	5,000	---
Lot Width (feet)	100	---	90	--	50	---	50	---
Open Space (% of gross area)	---	---	10	---	3	---	---	---
Downtown	---	---	---	---	---	---	1.0	---
Core Area	---	---	---	---	---	---	1.0	---
Support Area	---	---	---	---	---	---	3.0	---
Street Yard (feet)	50	---	25	---	15	---	8	---
Build-To Line								
Feet from ROW	---	---	---	---	20 <sup>1</sup>	---	15 <sup>1</sup>	---
% of Frontage	---	---	---	---	60	100	80	100
Side Yard (feet)								
Min Each Side	12	---	10	---	6	---	0	---
Min Both Sides (total)	30	---	24	---	15	---	0	---
Rear Yard (feet)	25	---	25	---	25	---	25	---
Building Coverage (%)	--	9 <sup>2</sup>	---	60 <sup>2</sup>	---	70 <sup>2</sup>	---	70 <sup>2</sup>
Height (feet)	---	45	---	45	---	45	---	45

<sup>1</sup> Build-to line may be modified subject to Sec. 6.8.3A.

<sup>2</sup> May be further restricted by watershed regulations in accordance with Sec. 8.8.2B, Impervious Surface Limits.

### 6.9.2 Building Separation

Where multiple structures are found on a single platted lot, such structures shall be separated by at least the following distances:

Standard	Separation Required (feet)
Building wall has primary entrance or exit	25
Building wall has secondary entrance or exit	20
Building wall has no entrance or exit	10

### 6.9.3 Additional Standards

A. Site design standards may be required in the Urban Tier in accordance with Sec. 6.8, Infill Development in Residential Districts. Such standards shall not apply to the following uses.

1. Drive- through services;
2. Outdoor storage areas;
3. Outdoor sales;
4. Vehicle sales and service areas; and
5. Loading bays or loading areas.

1           **6.    However, outdoor eating spaces may be allowed a reduced setback.**

2           **B.    Recreation areas, such as a clubhouse, swimming pool, tennis, volleyball, or**  
3           **basketball court, shall be oriented internally or along major roadways and away from**  
4           **adjacent residential development.**

5  
6    **Street side Setback**

7    It is understood that it is sometimes in the best interests to the community to promote an  
8    attractive and pedestrian oriented street facade. Placing buildings closer to the street may  
9    increase the number of pedestrians and encourage economic vitality. Therefore, in certain  
10   circumstances, reductions of building setbacks may be warranted. The following standards  
11   specify when a nonresidential structure may not be required to conform to the minimum  
12   setbacks of the zoning district.

13   The Development Review Board may reduce the street side setbacks of a nonresidential  
14   structure in situations where the criteria specified in paragraph C below are met. The amount of  
15   reduction in setback shall conform to the limitations specified in paragraph D below. Exceptions  
16   to these regulations are found in paragraph E.

17   **Criteria for Consideration**

18   The subject lot is within an Urban Neighborhood as defined by the Durham 2020 Plan.

19   All parking is located in the rear or side of the structure.

20   The street side receiving the reduced setback has a sidewalk parallel to the right of way, or the  
21   property developer guarantees to install a sidewalk that meets or exceeds the sidewalk standards  
22   found elsewhere in this ordinance.

23   A primary entrance to the structure (generally considered an entrance with a lobby) will face the  
24   street side having the reduced setback and the entrance will have a direct connection to the  
25   sidewalk provided along the street.

26   The street frontage shall have street trees at 40 foot interval or the property developer  
27   guarantees to install street trees meeting this standard.

28   The street level facade of the structure shall be enhanced with architectural details, landscaping,  
29   street furniture art work or similar treatments designed to add visual interest to the facade.

30   The street is not identified for future widening on an officially adopted plan.

31   The street side proposed for a setback reduction is not located across the street from a  
32   residential use or zone.

33   **Amount of Reduction to be Allowed**

34   Where 50 percent or more of the nonresidential lots on the same block or opposing block as the  
35   lot in question are developed with less than the required street side setbacks, the average  
36   setback of the developed nonresidential lots on the block with less than the required street side  
37   setback shall be observed as the minimum setback for a new nonresidential structure.

38   Where the lot on which the new nonresidential structure is proposed is between two adjacent  
39   existing developed nonresidential lots with less than the required street side setback, the  
40   average setback of both adjacent nonresidential lots shall be observed as the minimum street  
41   side setback.

42   Where the nonresidential lot has an existing structure that does not meet the minimum zoning  
43   district setbacks but may meet the standards of paragraphs 1 and 2 above.

44   **Exceptions**

45   The setback reductions shall not be allowed for the following uses:

## Sec. 6.10 Nonresidential District Development Intensity

### 6.10.1 Nonresidential Development Standards

#### A. Rural Tier

All nonresidential development in the Rural Tier as designated in the Comprehensive Plan shall comply with the standards in the table below:

Dimensional Standard	CN		CG		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (acres)	2	---	3	---	10	---
Project Floor Area (square feet)	---	20,000	---	50,000	---	---
Lot Width (feet)	100	---	150	---	250	---
Street Yard (feet)	25	---	25	---	40	---
Side Yard (feet)	25 <sup>1</sup>	---	25 <sup>1</sup>	---	50	---
Rear Yard (feet)	25	---	25	---	50	---
Building Coverage (%)	---	23 <sup>2</sup>	---	35 <sup>2</sup>	---	30 <sup>2</sup>
Height (feet)	---	25	---	25	---	50 <sup>3</sup>

<sup>1</sup> Side yard may be reduced to a minimum of 15 feet if adjacent to a nonresidential district or use.

<sup>2</sup> Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

<sup>3</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.

#### B. Suburban Tier

All nonresidential development in the Suburban Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below:

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	60	---	100	---
Street Yard (feet)	25	---	25	---	25	---
Side Yard (feet)	15	---	20 <sup>1</sup>	---	25 <sup>1</sup>	---
Rear Yard (feet)	25 <sup>1</sup>	---	25 <sup>1</sup>	---	25 <sup>1</sup>	---
Building Coverage (%)	---	60 <sup>2</sup>	---	60 <sup>2</sup>	---	60 <sup>2</sup>
Height (feet)	---	35	---	50 <sup>3</sup>	---	50

<sup>1</sup> Side and rear yard may be reduced by up to 50% if adjacent to a nonresidential district or use or a railroad right-of-way.

<sup>2</sup> Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

<sup>3</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.

Dimensional Standard	SRP		IL		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	---	---	25,000	---	30,000	---
Lot Width (feet)	400	---	100	---	150	---
Street Yard (feet)	150 <sup>6,7</sup>	---	40	---	40	---
Side Yard (feet)	150 <sup>1,7</sup>	---	30 <sup>2</sup>	---	50 <sup>2</sup>	---
Rear Yard (feet)	150 <sup>1,7</sup>	---	25 <sup>3</sup>	---	40 <sup>3</sup>	---
Building Coverage (%)	---	15	---	60 <sup>4</sup>	---	65 <sup>4</sup>
Height (feet)	---	120 <sup>5</sup>	---	50 <sup>5</sup>	---	90 <sup>5</sup>

<sup>1</sup> Side and rear yard may be reduced to a minimum of 30 feet if adjacent to permanently protected open space that results in a building separation of at least 150 feet or eliminated if adjoining a railroad right-of-way.

<sup>2</sup> Side yard may be reduced by 10 feet if adjacent to a nonresidential district or use.

<sup>3</sup> Rear yard may be reduced by up to 50% if adjacent to a railroad right-of-way.

<sup>4</sup> Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

<sup>5</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.

<sup>6</sup> The street yard in the SRP shall be increased by one foot for each acre of land in the site, up to a maximum of 250 feet.

<sup>7</sup> No parking, loading, or storage shall be permitted within the required yard areas.

### C. Urban Tier

All nonresidential development in the Urban Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below:

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	50	---	100	---
Build-To Line						
From ROW (feet)	---	15 <sup>1</sup>	---	15 <sup>1</sup>	---	15 <sup>1</sup>
% of Frontage	60 <sup>1</sup>	---	60 <sup>1</sup>	---	60 <sup>1</sup>	---
Side Yard (feet)	10	---	10	---	15	---
Rear Yard (feet)	25 <sup>2</sup>	---	25 <sup>2</sup>	---	25 <sup>2</sup>	---
Building Coverage (%)	---	60 <sup>3</sup>	---	60 <sup>3</sup>	---	60 <sup>3</sup>
Height (feet)	---	35	---	90 <sup>4</sup>	---	50 <sup>4</sup>

<sup>1</sup> Build-to line may be modified subject to Sec. 6.10.ID.1.b. .

<sup>2</sup> Rear yard may be reduced by up to 50% if adjacent to a railroad right-of-way.

<sup>3</sup> Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

<sup>4</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.



Dimensional Standard	IL		I	
	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	25,000	---
Lot Width (feet)	50	---	100	---
Setback (feet)	---	---	40	---
Build-To Line				
From ROW (feet)	---	20 <sup>1</sup>	---	---
% of Frontage	60 <sup>1</sup>	---	---	---
Side Yard (feet)	15	---	40	---
Rear Yard (feet)	25 <sup>2</sup>	---	40 <sup>2</sup>	---
Building Coverage (%)	---	60	---	65 <sup>3</sup>
Height (feet)	---	50 <sup>4</sup>	---	90 <sup>4</sup>

<sup>1</sup> Build-to line may be modified subject to Sec. 6.10.ID.1.b. .

<sup>2</sup> Rear yards may be reduced by up to 50% if adjoining railroad rights of way.

<sup>3</sup> Building coverage may be further restricted by the impervious surface requirements of Sec.

4.11.4, Nonresidential Land Use Restrictions.

<sup>4</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.

## **D. Compact Tier, Downtown Tier, and CBD District**

### **1. Compact Tier and Downtown Tier**

- a. All nonresidential development in the Compact and Downtown Tiers as designated in the Comprehensive Plan other than development on property designated CBD shall comply with the standards in the tables below:

Dimensional Standard	CN		OI	
	Min.	Max.	Min.	Max.
Project Floor Area (square feet)	---	20,000	---	---
Lot Width (feet)	50	---	50	---
Build-To Line				
From ROW (feet)	---	15	---	15
% of Frontage	60	---	60	---
Side Yard (feet)	10	---	10	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	35	---	120 <sup>1</sup>

<sup>1</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.

Dimensional Standard	CG		IL	
	Min.	Max.	Min.	Max.
Lot Width (feet)	50	---	50	
Build-To Line				
From ROW (feet)	---	15	---	15
% of Frontage	60	---	60	---
Side Yard (feet)	10	---	15	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	90 <sup>1</sup>	---	50

<sup>1</sup> Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9.

- b. Areas designated CBD shall utilize the standards established in Sec. 4.8, Downtown Design Overlay, or the requirements of the Downtown Historic District, as appropriate.

**2. CBD District**

Nonresidential development in the CBD District in the Downtown Tier shall comply with the standards established in Sec. 4.8, Downtown Design Overlay, or the requirements of the Downtown Historic District, as appropriate.

**E. Street Yards**

A new structure or modifications to an existing structure shall not be required to conform to the minimum street yard requirements of the district in the following circumstances:

1. Where 50% or more of the lots on the same linear block as the lot in question are developed with less than the required street yard, the average setback of the buildings on the developed lots on the block with less than the required street yard shall be observed as the minimum setback for a new structure;
2. Where the lot on which the new structure is proposed is between two adjacent existing developed lots with less than the required street yard, the average setback of the buildings of both adjacent lots shall be observed as the minimum street yard; or
3. Where a linear block of less than 500 feet is split into more than one zoning district, the zoning district with the most frontage shall determine the minimum street yard setback. However, this provision shall not apply if the street right-of-way is less than 50 feet wide and property on the opposite side of the street is residentially used or zoned, in which case the provisions of Sec. 6.8.3A shall be applied.

**6.10.2 Residential Development in Nonresidential Districts**

**A. Permitted Housing Types**

Residential development in any nonresidential district shall be in accordance with the Use Table in Sec. 5.1.

**B. Residential Density**

The residential density shall be based only on that portion of the tract dedicated to the residential use and the maximum residential density (shown as units per acre) allowed shall be as shown in the table below:

District	Rural	Suburban	Urban	Compact	Downtown
CN	0.2	8.7 <sup>1</sup>	10.5 <sup>1</sup>	14 <sup>1</sup>	Densities within the Downtown Tier shall be regulated pursuant to Sec. 4.8.6
OI	---	10.5 <sup>1</sup>	14 <sup>1</sup>	17.5 <sup>1</sup>	
CG	0.2	10.5 <sup>1</sup>	14 <sup>1</sup>	17.5 <sup>1</sup>	
CBD	---	---	---	---	

<sup>1</sup> Density may be increased through use of the Sec. 6.6, Affordable Housing Density Bonus.

C. Open Space

Open space shall be provided in all residential developments within nonresidential districts consistent with the requirements for residential developments in each tier as referenced below.

District	Open Space
RR District	See Sec. 6.2.1A
RS Districts	See Sec. 6.3.1A
RU District	See Sec. 6.4.1
RC Districts	See Sec. 6.5.1A

## Sec. 6.11 Planned Districts

### 6.11.1 Purpose

~~The Planned Density Residential District (PDR) is~~ Planned districts shall be established to allow for design flexibility. ~~The district is intended and to encourage efficient use of the land and public services and to promote high quality design. that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district~~ These regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of nearby development.

### 6.11.2 General Requirements

- A. ~~A Development Plan and a Phasing Plan are~~ shall be required as part of the zoning map change rezoning application ~~for the mixed-use to any planned district, except in the UC District as indicated below.~~
- B. ~~The initial zonings to establish the UC District on each campus. A full rezoning process which shall be initiated by City Council for each of the three Durham university/college campuses, shall not require a Development Plan, though the university may submit a Development Plan, providing additional details and restrictions beyond minimum Ordinance requirements, for all or parts of the area associated with the initial zoning map change rezoning. A basic zoning map change rezoning application shall be required for the initial zoning map change, along with documentation on the availability of adequate parking and a limited surcharge fee to cover public notification requirements.~~
- C. Except in the MU District, uses shall be permitted only in the location shown on the approved Development Plan. Development of the property may not begin until a site plan has been approved for that portion of the property. Site plans shall be reviewed for conformance with an approved Development Plan. Should alterations or changes represent a substantial departure from the approved plan, an amendment is required. The same procedures as required for the original approval shall be required for Development Plan amendments.
- D. Unless alternative standards are explicitly established in the provisions below, all relevant standards and provisions of this Ordinance shall apply to development within any Planned District.

### 6.11.3 Planned Development Residential (PDR)

#### A. Uses

1. The primary use allowed within the PDR District shall be residences, including manufactured homes.
2. Manufactured homes shall be permitted only where they have been expressly indicated on the approved Development Plan. Any manufactured home sites with class type shall be specified on the approved Development Plan. Manufactured house subdivisions and parks shall be designated as such on the development plan and show lot layouts and the orientation of the house to the street in the Development Plans.  
~~The boundaries of manufactured home sites in parks shall be clearly identified.~~

Development Plans for manufactured home parks and subdivisions shall show lot layouts, and pedestrian walkways that connect the home with any support facilities.

3. ~~Retail and office~~ Nonresidential uses allowed in the PDR District shall be limited to those uses ~~found listed in the Use Table in Sec. 5.1. Office Category and the Commercial Category of Section 4B.2.3 of the Mixed Use zoning district. Other uses permitted in the PDR district shall also be allowed. Certain retail and office~~ Nonresidential uses may be approved for the PDR District ~~when subject to the use limitations established in Sec. 5.3 and the following conditions being are met:~~

- a. The development ~~shall provide for at least contains~~ 100 ~~or more~~ dwelling units. The dwelling units may be separate structures from the retail or office uses or located in the same structure as the retail or office uses. To assure that the commercial and office uses are supportive of the PDR project, Certificates of Compliance shall be issued for at least 25% of the residential units before Certificates of Compliance may be issued for the retail or office uses. The DRB may waive this requirement when residences are located in the same building as the retail or office uses.
- b. ~~Nonresidential-Retail and office~~ acreage shall not be included in any calculations of ~~used to reduce the calculated residential density in the computation of open space requirements.~~
- c. The building heights, location, orientation, and building-to-building spacing, shall be specified in the Development Plan.
- d. ~~The retail and office Nonresidential uses must~~ shall be located with street access as deemed adequate by ~~Durham~~ the Public Works Department.
- e. ~~Retail and office Nonresidential~~ square footage shall promote a range of services for residents. ~~Therefore, The nonresidential retail and office component within a PDR project shall not exceed 50,000 square feet and shall be devoted to more than one business. to avoid the use of the property for one large establishment and to promote a range of uses.~~

## B. Dimensional Requirements

### 1. Site Area

- a. The minimum area required ~~gross tract size for initial zoning purposes shall be as follows:~~
  - (1) Within the Urban Tier, a minimum of two contiguous acres shall be required. ~~Central City (as defined on the Official Zoning Map)~~
  - (2) ~~Outside the Central City~~ Within the Suburban Tier, a minimum of four contiguous acres shall be required.
- b. Additions to an existing approved PDR District may be made in increments of any size.

### 2. Minimum Lot Area

- a. No minimum lot area ~~is~~ shall be specified. ~~The PDR District provides for a variety of dwelling unit styles and support uses without adherence to the~~

lot area and yard requirements provided in other districts; therefore,  
However, building separations specified in 4B.1.7 shall be maintained.

- b. Lot areas described on a Development Plan may be increased by the appropriate State agency or County Health Department in order to ~~insure~~ ensure adequate sewage waste treatment disposal.

~~Pre-existing dwellings: Dwellings that exist prior to the application of a PDR zone which shall remain and not be included in a development plan shall maintain the following minimum standards:~~

~~Lot size—5,000 square feet~~

~~Front yard—20 feet~~

~~Rear yard—25 feet~~

~~Total side yards—15 feet with a 6-foot minimum on each side~~

#### Transitional Use Area

A transitional use area shall be established around the perimeter of each PDR District that shall be a minimum of 50 feet in depth. The purpose of this area shall be to insure compatibility with surrounding land uses. Permitted uses in the transitional use area are as follows:

~~Where a PDR District adjoins a residential Zoning district, only residential development shall be permitted in the transitional use area. The density shall be determined at time of approval.~~

~~Where a PDR District adjoins a nonresidential district, such as an Industrial, Commercial, or Office District the permitted use shall be a planted buffer area.~~

~~Where a PDR District adjoins another PDR District, only a single Transitional Use Area is required. The required depth and allowed uses shall be determined at the time of the approval.~~

~~Residences shall be protected from light, glare and noise generated by the retail and office uses in accordance with Section 8.1.15 [Performance Standards].~~

### C. Intensity

#### 1. Residential Density

The specific maximum density in units per ~~gross~~ acre, other than the areas proposed for nonresidential development and areas precluded from consideration for density in Sections. 8.4.4 and 8.9.4 and areas within stream buffers must shall be included in the application. The maximum allowable density is as follows: shall be consistent with the land use destination shown in the Comprehensive Plan.

~~Rural PDR generally, For property located outside the Urban Growth Area Boundary, three units per gross acre maximum.~~

~~Urban PDR generally, For property located within the Urban Growth Area Boundary, 25 units per gross acre maximum. Density specified in the approval is the maximum allowable density.~~

#### 2. Nonresidential Intensity

The maximum nonresidential intensity shall reflect the CN and/or OI intensity, as appropriate, consistent with Sec. 6.10 for the tier in which the project is located.

#### 3. Height

Maximum building height shall be 90 feet. Any building over 35 feet shall be identified on the Development Pan submitted for approval.

**D. Building Orientation**

**1. Single-Family Detached**

The building envelope for each lot shall be shown on the recorded plat.

**2. Building Separation**

a. The minimum building separation shall be as follows:

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	30 feet
40.1 to 50.0 feet	60 feet
50.1 to 85.0 feet	70 feet
85.1 to 90.0 feet	80 feet

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

b. Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. ~~For the purposes of this Section,~~ Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.

c. The governing body may reduce separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

**3. Building Articulation**

In order to provide diversity and to avoid long rows of attached dwellings, no more than ~~six~~ four contiguous townhouse units shall be allowed with the same setback. Variations in setback must be at least ~~two~~ three feet.

~~Zero lot line developments shall conform to the requirements of Sec.~~

~~Building separations may be increased by the appropriate Health Department or Inspections Department.~~

~~In order to allow for design flexibility yet assure adequate site size, single-family PDR developments shall identify the building envelope for each lot on the recorded plat.~~

**E. Yards**

**1. Street Yards**

~~Setback from streets~~ No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
8.1 to 16.0 units per acre	15 feet
More than 16.0 units per acre	25 feet

~~Minimum side distance from street—10 feet.  
Accessory buildings shall not be placed in the front yard.  
Setbacks from adjacent property which is residentially zoned but not the PDR  
zone—25 foot rear yard and side yards which conform to the requirements of the  
adjacent residential zone.~~

## 2. Side and Rear Yards

### a. Manufactured Home Developments

Supporting uses within a manufactured home park shall maintain a side yard of at least 10 feet.

### b. Nonresidential Uses

~~Site design shall foster compatibility between the office and/or retail uses and adjacent residential uses within the PDR. When a retail or office component of the PDR shares a common boundary with a residential component of the PDR, side and rear setbacks yards of at least 30 feet shall be provided between the nonresidential and residential areas. The setbacks may not be used for parking and shall be landscaped with materials equivalent to a Class 3 buffer as described in Section 10 of this ordinance. Existing healthy vegetation may be used to meet some or all of this requirement. This setback requirement does shall not apply if the residential uses are within the same building as the retail or office uses.~~

***Interpretation:*** PUD/PDR site plans approved prior to 1994 continue to use the property line setbacks for PUD/PDRs approved prior to the effective date of the Merged Durham Zoning Ordinance. (1/1/94) These setbacks are called out either dimensionally on the site plans or in a special conditions box. Additionally, building separations shall be a minimum of 16 feet.

## F. Open Space

Required open space shall be provided based upon the density of the project as follows:

Residential Density	Percent of Gross Area
0 to 3.00 units per acre	5
3.01 to 6.00 units per acre	10
6.01 to 10.00 units per acre	12
10.01 to 16.00 units per acre	15
16.01 to 25.00 units per acre	18

~~Open space in PDR developments adds to the visual character and uniqueness of each development and allows for recreational and aesthetic enjoyment by the residents. In more densely developed PDR projects, improved open space provide centrally located natural areas, community gathering spots, and play spaces that are integral to the livability of the neighborhoods.  
Retail and office acreage shall not be used to reduce the calculated residential density in the computation of open space requirements.~~



Open space property shall be described and identified by location, size, use and improvements on the Development Plan, prior to dedication to an entity identified for permanent maintenance.

Required open space may consist of any of the following:

Property that is naturally vegetated or renegotiated to appear naturally vegetated.

Properties which have severe development constraints or other conditions which affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, steep slopes, or properties which are actively farmed may be counted for up to 50 percent of the total required open space. Property developed for active recreational purposes (swim clubs, etc.) may be counted for up to 50 percent of the total required open space.

PDR developments or subcomponents shall provide improved open space when the median lot size is 6000 square feet or less for detached single family projects, or when the net density is eight units per acre or greater for other residential uses. The improved open space shall be located and placed so that 95 percent of the residential units covered by this provision are located within a 1,300 feet walking distance from an improved open space area. Improved open space shall be on land that is generally dry, with mild topography, suitable for frequent use, and with a minimum of 8,000 square feet in land area. The improved open space must include an all-weather walking path, perimeter plantings, and at least two of the following: benches, picnic tables, shelters, gazebos, one or more prepared play areas, play equipment, grassed and landscaped areas, and other similar community amenities. The improved open space shall be accessible and conveniently located within common areas. Improved open space for single-family detached areas shall be located with at least one side having street frontage. Active recreation uses that charge a fee for use may not count towards this provision. Streets, driveways and yard spaces provided for the residences may not be counted toward the open space requirement.

Open space shall be established on the Development Plan with provisions for permanent maintenance either through dedication to a legally established homeowners association, or by dedication and acceptance by a governing jurisdiction for public use, if such dedication is desired by the governing jurisdiction.

Open space property shall not be disturbed, graded or cleared except in conformance with an approved plan.

Open space provided to meet the requirements of this section may also be used to meet other applicable zoning ordinance or subdivision requirements.

#### G. Landscaping

Blank walls visible from the street and/or parking areas shall be buffered with plantings to lessen their potential for negative effects. Landscaping improvements meeting the same requirements as the landscaping required for vehicle parking areas with exposure to the street established in Sec. 9.8 shall be provided for parking visible from the street and for all blank walls exceeding 50 feet in length.

Parking and landscaping shall conform to requirements found in Sections 9 and 10 of this ordinance. In addition to the required landscaping, the site plan shall show supplemental trees equal to 1½ times the number of dwelling units. Such trees shall be at least 2½-inch caliper. Existing vegetation this size may be used to meet this requirement.

#### H. Parking

To further facilitate access by pedestrians and transit, At least 30% of the parking spaces required for nonresidential uses shall be located to the side or rear of the retail and office nonresidential structures within any PDR.

1           **I. Sidewalks**

2           ~~Pedestrian connections~~ Sidewalks shall be provided between the retail and office uses  
3           and the dwelling units within ~~any~~ the PDR project.

4           ~~A Development Plan in conformance with the requirements of Section 15 shall~~  
5           ~~accompany all petitions for PDR zoning. Approval of any PDR rezoning petition shall~~  
6           ~~be contingent upon approval of the Development Plan by the governing body.~~

7           ~~Condominiums shall be recorded in accordance with the North Carolina~~  
8           ~~Condominium Act (NCGS 47C).~~

9           ~~Supplementary requirements of Section 7 may apply depending on the type of~~  
10          ~~development.~~

11          ~~Accessory buildings for multifamily developments include but are not limited to:~~  
12          ~~management offices, laundry rooms, and recreation facilities for residents of the~~  
13          ~~development. Accessory buildings must be shown on an approved site plan.~~

14       **6.11.4 University and College District (UC)**

15           **A. Uses**

16           1.   ~~The primary use allowed in the UC District shall be is intended to allow for~~  
17           ~~growth and development of colleges and universities, while protecting the larger~~  
18           ~~community, nearby neighborhoods, and the environment from impacts~~  
19           ~~accompanying major new development.~~ and ancillary uses typically associated  
20           with a university or college that are customary and subordinate to the primary  
21           educational function of the university or college use, including dormitories,  
22           stadia, enclosed arenas, auditoriums, and museums.

23           ~~Development in the UC District shall be designed for a mix of university-~~  
24           ~~related, integrated uses as specified below, linked by pedestrian ways, bikeways,~~  
25           ~~and other transportation systems. Development in these districts shall also~~  
26           ~~encourage reduced auto use, mitigate environmental impacts, conserve energy~~  
27           ~~resources and achieve visual continuity in the siting and scale of buildings.~~

28           2.   ~~Other Typical ancillary uses shall be limited to those uses listed in the Use Table~~  
29           ~~in Sec. 5.1 that can demonstrate a be allowed also include uses with a direct~~  
30           relationship to a university academic use, such as university medical center  
31           uses, including teaching hospitals, medical schools, nursing schools, biomedical  
32           research facilities and support space.

33           3.   Limited retail uses, such as university-related bookstores and dining facilities  
34           located within other buildings, shall be permitted, to the extent that they are  
35           designed to serve the on-campus population of the university and not to attract  
36           additional traffic to the campus.

37           4.   Permitted uses shall ~~would~~ not include trade schools.

38           **B. Initial Zoning**

39           The universities may elect to have all or parts of their campus covered in the initial  
40           zoning map change rezoning, so long as those areas are covered by the appropriate  
41           campus master plan; however, no areas of the campus that were not under the direct  
42           control of the university prior to January 1, 2002, may be included in the initial  
43           zoning map change rezoning.

C. Subsequent Zoning Map Change

~~Only~~ Any property included as part of a university campus in a campus master plan may be included in the UC District. A campus master plan shall be submitted to the Planning Department prior to any zoning map change ~~rezoning~~ submittal. Such campus master plans shall be viewed as illustrative in nature and may be updated, in whole or in part, at any time.

~~When applying this zoning to university-owned properties, the UC District shall extend to the midpoint of public rights-of-way adjoining those properties. Subsequent to the initial rezoning, a development plan shall be required with any requested additions to the initial UC District.~~

D. Transitional Use Area

~~Perimeter transition~~ A Transitional Use Area shall be designed to establish standards at the edges of the campus that minimize any adverse impacts of proposed development on adjacent non-university properties. Standards shall be applicable to a 150-foot wide area at the boundaries of the UC District. Where applicable, the Transitional Use Area shall be measured from the midpoint of public right-of-way adjoining adjacent to the edge of the district university property. If a public right-of-way ~~adjoining the institutional property edge (with no adjoining buildings)~~ is wider than 200 feet, and contains no existing or planned structures ~~buildings~~, then a no perimeter transition Transitional Use Area standards shall not be required. ~~be applied and the area may develop consistent with the internal campus standards.~~

~~The campus areas for these institutions shall be divided into two types of areas, with distinct standards applying to each area:~~

~~Internal Campus~~

~~University properties contiguous only to other university properties, with resulting impacts primarily affecting only the university; and,~~

~~Perimeter Transition Area (PTA)~~

~~University properties adjoining non-university properties, where there are direct impacts from university development on nearby non-university properties. As a result, there is a corresponding need to ensure greater compatibility in these areas. In order to reflect this differing level of impact on non-university properties, the internal campus development standards shall be more general and flexible, while the perimeter transition area standards shall be more specific and detailed~~

E. Height

1. Except in a Transitional Use Area, the maximum height of a structure shall be 120 feet, unless a Major Special Use Permit is approved in accordance with Sec. 3.9, in which case the height may be increased up to a maximum of 145 feet.

2. ~~To ensure compatibility of new building facades and site design with others nearby;~~ Within a Transitional Use Area, the maximum height of buildings a structure shall not exceed 150% of the average height of buildings on adjoining adjacent properties (including those directly across a public right-of-way), to a maximum of 100 feet. In calculating the average height for the adjoining adjacent buildings, the following considerations shall be included: maximum permitted heights for developable vacant lots, the taller of buildings in front or behind each other and included within 150 feet of the perimeter transition area. Heights may not be increased beyond 150% of average surrounding heights unless a major special use permit is approved in accordance with Sec. 3.9, in which case the height may be increased up to a maximum of 145 feet.

1       **F. Architectural Standards**

- 2           **1.**   Within ~~perimeter transition~~ a Transitional Use Area, new buildings ~~adjoining~~  
3           adjacent to public streets shall have compatible exterior facades with ~~adjoining~~  
4           adjacent properties. Compatibility shall be demonstrated by documentation  
5           that the design of a proposed ~~perimeter transition area~~ building is compatible  
6           with ~~other adjoining~~ adjacent buildings and sites, considering both architectural  
7           and site designs. This design information shall be submitted with the site plan  
8           for each proposed development within the ~~perimeter transition~~ Transitional  
9           Use Area. Each building shall have a direct orientation and entryway facing a  
10          street.
- 11          **2.**   Prior to minor site plan ~~approval shall be required for approval~~ for individual  
12          ~~buildings and development within a Transitional Use Area, with prior review of~~  
13          the Design District Review Team shall, using the Durham Design Manual as a  
14          guide, review the site plan to assure building façade and site design of  
15          development are compatible with adjoining adjacent properties. the Team shall  
16          apply the Durham Design Manual as a guide to ensure compatible building  
17          facades and site design adjoining the boundary of university properties.

18       **G. Landscaping**

19           **1. Transitional Use Area**

20           Within ~~perimeter transition~~ a Transitional Use Area, landscaping shall be  
21           provided so as to ensure compatibility with ~~adjoining adjacent and facing~~  
22           properties. Landscaping shall may also include appropriate design and handling  
23           of stormwater runoff.

24           **2. Parking Areas**

25           Requirements for landscaping within parking areas, except within a  
26           Transitional Use Area, may be rearranged by up to 50% if the university can  
27           demonstrate that a specific university use or activity is being served by such a  
28           change.

29           ~~Surface parking lots within perimeter transition areas that adjoin public streets~~  
30           ~~shall be landscaped or otherwise screened with structures, etc., to minimize~~  
31           ~~views of parking from the street and adjoining properties.~~

32       **H. Parking**

- 33           **1.**   Determination of the number of parking spaces required shall be tied to the  
34           university's documentation of adequate parking availability as determined by  
35           the Development Review Board. Parking may include spaces located outside the  
36           UC District.
- 37           **2.**   A report from each university covered by ~~the~~ a UC District shall be filed with the  
38           City-County Planning Department to demonstrate that adequate parking is  
39           being provided by the university, considering both the location and amount of  
40           parking provided. Such reports shall be valid for a two-year period. If a valid  
41           report is not on file at the time a development approval is requested by an  
42           institution, no processing of that plan shall occur until a new report is provided  
43           by the university and reviewed by City Transportation and Planning staff, using  
44           parking standards and considering a variety of parking reduction techniques  
45           and commuter trip reduction guidelines (TDM) from appropriate ordinances,

including shared parking, remote parking, available transit service, bicycle and pedestrian facilities and other trip reduction techniques.

3. Within ~~perimeter transition~~ a Transitional Use Area, surface parking lots shall not be located immediately adjacent to or across from properties zoned and developed as single-family residential properties. No parking facilities within ~~perimeter transition~~ Transitional Use Areas shall be located less than the average setback for existing buildings or parking lots on ~~adjoining~~ adjacent properties.

#### I. Sidewalks

Alternate walkway routes outside of regular sidewalk requirements within ~~the~~ public right-of-way shall be permitted in the internal campus and may be permitted in a ~~perimeter transition~~ Transitional Use Area. Such alternate routes must be submitted and approved by the Development Review Board as part of a campus-wide pedestrian plan pursuant to Sec. 12.4.1. Subsequent alternate routes proposed shall ~~must~~ be consistent with that plan.

#### J. Lighting

Within ~~perimeter transition~~ a Transitional Use Area, new athletic fields shall not be illuminated ~~exempt from the lighting standards established in Article 8 with the exception that, after 11:00 PM., such facilities may not utilize the exemption for public recreational activities.~~

#### K. Traffic and Stormwater Impact Analyses

Traffic and stormwater analyses shall ~~If these analyses were not handled at time of initial rezoning, they would~~ be required with or in advance of minor site plan approval when appropriate thresholds on campus development are reached. Phasing plans on the implementation of facility recommendations from these analyses may be included. ~~The universities may also elect to submit traffic and stormwater impact analyses at this time or later.~~

#### Screening

~~Within perimeter transition areas, screening of mechanical equipment, utility systems, solid waste and loading areas shall be compatible with surrounding properties, especially as viewed from public streets and adjoining properties. Applicable ordinance requirements addressing these issues shall also apply.~~

### 6.11.5 Commercial Center (CC)

#### A. Uses

1. The primary use allowed within the CC District shall be commercial. Use of this District shall require multiple buildings and tenants.
2. Uses allowed in the CC District shall be limited to those uses ~~found~~ listed in the Use Table in Sec. 5.1. Proposed residential uses in a CC District shall be noted on the Development Plan.
3. Commercial outparcels shall not comprise more than 50% of the acreage or floor area of the tract development.

~~A Development Plan in conformance with the requirements of Section 15 shall accompany all petitions for the SC zone. Approval of any SC zoning shall be contingent upon review and approval of the Development Plan by the Governing Body. Significant components of a Development Plan include:~~

topography, building envelope, proposed circulation system, proposed lot layout, proposed reservations for open space and utilities, a schematic landscape plan, design principles to govern development, and any conditions that may be proposed by the applicant.

Site plans and Subdivisions shall be reviewed for conformance with the approved Development Plan. Should alterations or changes represent a substantial departure from the approved plan, an amendment to the plan is required. The same procedures required for the original approval shall be required for amendments.

Drive-up windows may be allowed if they are approved as part of a site plan. Additional requirements of Section 8 apply.

Supplementary requirements of Section 7 may apply depending on the type of development.

#### B. Dimensional Requirements

##### 1. Site Area

a. ~~For zoning purposes,~~ A minimum of four contiguous acres are shall be required for initial approval.

b. Additions to an approved CC zone District may be made in increments less than 4 acres. of any size.

##### 2. Lot Area

No minimum lot area shall be required. ~~none specified.~~

#### C. Transitional Use Area

1. A 50-foot wide Transitional Use Area shall be established around the perimeter of a CC District.

2. No all buildings structures shall be located permitted within a Transitional Use Area this area where it adjoins any setback at least 50 feet from the ultimate right-of-way of all adjacent streets and all that abuts a residential district or use. zoning boundaries. All buffer standards found elsewhere in this ordinance shall apply.

3. Structures may be located in a Transitional Use Area that abuts a nonresidential district or use, subject to the maintenance of yards consistent with the CG District yard requirements of the tier within which the project is located. If a buffer requirement imposes a greater width requirement than the Transitional Use Area, then the buffer requirement shall apply.

#### D. Development Standards

Within the Suburban and Urban Tier, residential development shall conform to the standards of the RS-M District. When a conflict occurs between this section and the RS-M standards, the stricter rules shall apply.

#### E. Density

1. Within the Suburban Tier, the maximum density shall be 12 units per acre.

2. Within the Urban Tier, the maximum density shall be 16 units per acre.

F. Height

1. The maximum height shall be determined by the square footage of the development, as indicated below:

Square Footage	Maximum Height
Less than 150,000	50 feet
150,000 to less than 250,000	90 feet
More than 250,000	145 feet

2. Any building over 50 feet ~~must~~ shall have its proposed location and height shown on the Development Plan. ~~Prior to approving heights over 50 feet, consideration shall be given to the following:~~

~~That the scale of the building will contribute to the overall image of the adjacent property.~~

~~That the proposed development plan adequately protects surrounding properties from any adverse affects resulting from the proposed height of the building.~~

~~That the proposed development plan provides for safe traffic and pedestrian movements~~

G. Design Guidelines

The applicant shall establish a set of design guidelines that illustrate how building and site design within the proposed development shall relate to surrounding uses in terms of scale, massing and height, as well as architecture. The design guidelines may be presented in the form of written text or illustrated elevations; however, if elevations are submitted during the hearing process such elevations shall be considered committed elements of the Development Plan.

H. Access

Access to all outparcels shall be through the remainder of the project. No outparcel shall have direct access onto a public road. Restaurants and shops shall only have drive up windows when the access to the establishment and drive up window are internal to the shopping center.

I. Yards

~~All development buildings shall maintain a street yard of be setback at least 50 feet. from the ultimate right of way of all adjacent streets and all residential zoning boundaries. All buffer standards found elsewhere in this ordinance shall apply.~~

J. Sidewalks

Development Plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development, including outparcels.

~~All development shall access a public street or a private street that meets ordinance requirements.~~

~~All development shall comply with buffer and screening standards found in Section 10 of this ordinance~~

**6.11.6 Industrial Park (IP)**

**A. Uses**

**1.** The primary use allowed within the IP District shall be industrial. Use of this District shall require multiple buildings.

**2.** Uses allowed in the IP District shall be limited to those uses listed in the Use Table in Sec. 5.1.

~~A Development Plan in conformance with Section 15 shall accompany all petitions for I-1 zoning. Approval of any I-1 petition shall be contingent upon review and approval of a Development Plan. Significant components of a Development plan include: topography, proposed circulation system, proposed lot layout, proposed reservations for open space and utilities, a schematic landscape plan, design principles to govern development, and any other conditions which may be proposed by the applicant. Development Plans shall identify broad use categories. Site plans in conformance with the Development Plan proposals shall be submitted for approval prior to construction. Site plans shall identify building setbacks. Uses shall only be permitted in locations shown on the approved Development Plan. Development of the property may not begin until a site plan has been approved for that portion of the property proposed for development. Site plans shall be checked for conformity with the approved Development Plan. Should alterations or changes represent a substantial departure from the approved Development Plan, an amendment to the Development Plan shall be required. The same procedures as required for the original Development Plan approval shall be required for amendments.~~

**B. Dimensional Requirements**

**1. Site Area**

**a.** A minimum of ten contiguous acres ~~minimum~~ shall be required for initial zoning approval.

**b.** Additions to an approved IP ~~zone~~ District may be made in increments of any size.

**2. Lot Area**

No minimum lot area shall be required. ~~none specified~~

**C. Transitional Use Area**

An undeveloped Transitional Use Area space of at least 30 feet shall be established around the perimeter of the ~~project District~~ District and shall be shown on the Development Plan. If a buffer requirement imposes a greater width requirement than the Transitional Use Area space, than the buffer requirement shall apply. A Transitional Use Area spaces may be used in computing buffer requirements.

**D. Height**

Buildings shall not exceed 145 feet in height. Any building over 90 feet in height must be identified on the Development Plan.

**E. Yards**

No additional yard requirements shall be established beyond paragraph C above.



**F. Sidewalks**

Development Plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development.

~~All delivery, storage, and freight handling areas shall be screened from view from any nearby street or residence.~~

~~All driveways, parking areas and pedestrian ways must be covered with a dust free, all-weather surface.~~

**6.11.7 Mixed Use (MU)**

**A. Uses**

~~A Development Plan must be submitted as part of the rezoning application for the MU district. The Development Plan must show that and the MU development, after it is built, must contain~~

- 1.** A mixed-use development shall require residential uses and uses as listed in the Use Table of Sec. 5.1 from at least ~~one~~ three of the following use categories:

~~Residential;~~

- a. ~~Institutional, Quasi Public, Public and Civic;~~
- b. Commercial; or
- c. Office.

The location of the uses shall be shown on the development plan.

~~Industrial.~~

- 2.** Additions to MU developments shall not be required to include multiple use types provided the use types are present on the overall site and the required ratios of use established in paragraph B.2 below are maintained.

**B. Dimensional Requirements**

**1. Site Area**

- a. A minimum gross tract size for initial zoning of four contiguous acres shall be required for initial approval. A smaller initial site may be allowed, if the applicant can demonstrate to the governing body that certain circumstances exist that make an area of less than four acres suitable due to factors including but not limited to, location, topography, or compatibility with adjacent uses. Sites smaller than four acres ~~are still required to~~ shall comply with the other requirements of the district, including the requirement to provide at least ~~two~~ three use types on the overall site.

- b. Additions to an approved MU District may be made in increments of any size.

**2. Use Area**

- a. For mixed use developments containing ~~two~~ three uses, ~~each~~ no use shall occupy ~~a minimum of 20%~~ less than 30% of the floor area or gross acreage of the project.
- b. For projects ~~of with three~~ four or more uses, the ~~30%-20%~~ minimum for a single use is shall be waived; however, no single use may occupy more than

60% ~~and no two uses combined shall occupy more than 80%~~ of the floor area or gross acreage of the project.

- c. Changes in the location of use areas within a project may be approved administratively, provided that all other requirements of the district are maintained.

**3. Lot Area**

The dimensional requirements shall be ~~generally~~ specified in the Development Plan. ~~and shall be enforceable as a part of any subsequent Site Plan. Site Plans shall show specific dimensions for yards, heights, lot areas, lot frontage, and landscaping and shall be approved by the Development Review Board.~~

**C. Transitional Use Area**

A 50-foot wide Transitional Use Area shall be established around the perimeter of each MU ~~District project~~. Within these areas, use and building scale (massing and height) shall reflect the uses permitted within the ~~adjoining adjacent~~ property, except that a single-story (or 15 foot) differential in building height between the proposed and adjacent uses shall be allowed. If, as a result of the location of uses within an MU ~~District project~~, a use is proposed that would typically require a buffer from the use on an ~~adjoining adjacent~~ property not in the MU district, then the buffer requirements of the typical district shall apply, even if they require a greater buffer than the required Transitional Use Areas.

**D. Residential Density**

**1. Minimum**

The minimum gross residential density shall be ~~6~~ four units per acre for any portions of a ~~MU~~ project that are developed solely as residential.

**2. Maximum**

Residential density shall not exceed 80% of the maximum density permitted within the development tier as reflected in Sec. 6.3, Sec. 6.4, and 0, unless residential development is integrated vertically within the development. Projects that integrate residential uses vertically may develop at 100% of the maximum density permitted in the tier. No maximum density is established.

**3. Calculation of Density**

For projects in which uses are integrated vertically, density may be calculated based upon the entire site acreage. For all other projects, residential density shall only be calculated based upon that portion of the site allocated for residential uses.

**E. Nonresidential Intensity**

**1. Minimum**

The minimum ~~building~~ floor area shall be ~~30%~~ 20% of the square footage of the particular parcel to be developed.

**2. Maximum**

No maximum floor area ~~is~~ shall be established. The maximum building coverage shall be 70%.

**F. Height**

Any buildings or structures over ~~35~~ 50 feet in height shall be identified as to location and the maximum height on the Development Plan. No buildings shall exceed 145 feet in height unless the Mixed Use District is located within the Compact or Downtown Tier, adjacent to property zoned CBD.

**G. Yards**

**1. Suburban Tier**

A 25-foot street yard shall be maintained.

**2. Suburban Transit Support Areas**

Projects may use the Compact Neighborhood support area standards or the Suburban Tier standards described above.

**3. Urban Tier**

A 15-foot street yard shall be maintained.

**4. Compact and Downtown Tiers**

Projects shall respect a build-to line such that at least 60% of any structure is no more than 15 feet from the edge of right-of-way.

**H. Open Space**

**1. Minimum Required**

**a. Suburban Tier**

At least 10% of the gross acreage of the entire site shall be devoted to pedestrian open space.

**b. Urban Tier**

The governing body may reduce the 10% requirement to as low as At least 5% of the gross acreage of the site shall be devoted to open space, when community facilities are provided. Such community facilities include but are not limited to: parks, public recreation buildings, or the restoration of historic sites.

**c. Compact and Downtown Tiers**

At least 2% of the gross acreage shall be devoted to open space.

**2. Location**

It is intended that MU developments be identifiable by attractive pedestrian spaces, including but not limited to: atriums, parks, internal courtyards, plazas, or other improved spaces. The pedestrian Open spaces shall shape the design and character of the project and interconnect the various uses within the development. At least 30% of the open space shall be located in central common areas around which different uses are located. In the case of projects greater than 100 acres, multiple common areas may be provided. All centrally located open space shall be useable open space pursuant to Sec. 7.2, Open Space.

Open space shall be described and identified by location, size, use and improvements on the Development Plan.

(1) In the Suburban Tier, areas narrower in width than 50 feet shall not be utilized to meet the open space requirement.

(2) In the Urban and Compact Tiers and in the Suburban Transit Support Areas, areas narrower than 25 feet shall not be utilized to meet the open space requirement.

c. These locational requirements may be waived for projects that are integrated vertically.

~~To qualify as open space, the space shall be available to all residents of the project. Parking areas shall be excluded from this calculation. The space, at a minimum, shall include landscaping and playground equipment. Construction of greenways and bus shelters shall be mandatory whenever the project includes or is adjacent to trails identified on a previously adopted Greenway Plan or an existing or previously identified transit line extension proposed in adopted documents by DATA, the Triangle Transit Authority, or another public transit provider. Open space shall be provided for the residential acreage in an amount equivalent to the percentage open space requirements of the PDR zone, depending on residential density. Required open space shall be as follows:~~

~~Residential Density in PDR Tract — Percent of Gross Site Area~~

~~Required as Open Space~~

~~0 to 3.00 units per acre — 5 percent~~

~~3.01 to 6.00 units per acre — 10 percent~~

~~6.01 to 10.00 units per acre — 12 percent~~

~~10.01 to 16.00 units per acre — 15 percent~~

~~16.01 to 25.00 units per acre — 18 percent~~

#### I. Landscaping

The applicant shall establish a set of design guidelines that provide provisions for landscaping throughout the entire development, ensuring that a common theme with consistent plant materials are utilized throughout the project.

#### J. Parking

##### 1. Residential

###### a. Single Family Detached, Zero Lot Line, Townhouse

~~Detached single family residential~~ Parking shall be provided at a rate of one parking space per dwelling; additional spaces may be allowed at the time of approval but in no case shall the total number of spaces exceed an amount equivalent to ~~two~~ 2.1 spaces per dwelling.

###### b. Multifamily

Multifamily parking shall not exceed an amount equivalent to ~~two~~ 2.1 spaces per dwelling.

##### 2. Nonresidential

~~In order to encourage shared parking and transit support the minimum parking requirements of Section 9 are held to be.~~ The maximum number of parking spaces allowed in the any project shall not exceed 25% above the total minimum parking requirements for all applicable uses within the development in accordance with Sec. 10.3. The governing body may allow the number of spaces to exceed the 25 percent limit if it is determined that additional spaces are required and that the project includes measures to facilitate transit use to and within the site. In order to exceed the parking

requirements ~~achieve this number~~, the applicant shall demonstrate to the satisfaction of the Development Review Board that each of the following conditions are met:

- (1) That the number of parking spaces exceeding the minimum requirements of Sec. 10.3 are located in structured parking facilities, such as parking decks or garages under a building, in order to minimize the impervious surfaces on the site;
- (2) That evidence is ~~also presented that all other techniques for reducing parking demand, including the site design will accommodate, as much as possible, Travel Demand Management [TDM] programs, and transit use to and within the project and That the applicant demonstrates that shared parking and on-street parking will~~ shall be provided implemented but are unlikely to reduce the demand for parking; and
- (3) That specific evidence is presented by the applicant about how the need for parking beyond the minimum is justified by similar projects in other locations.

- b. Projects that fail to satisfy these requirements shall be limited to 100% of the minimum required parking for all applicable uses within the development as established in Sec. 10.3.

#### K. Sidewalks

1. Development plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development. The walking areas of these spaces shall be surfaced with concrete, tile, wood, or another material approved by the Development Review Board. The type of surfacing material shall be identified on the site plan. The pedestrian spaces shall shape the design and character of the project through a connecting system of pedestrian areas that create a relationship among the buildings. The pedestrian spaces may include artwork, sculpture and water features to improve their appeal. These spaces shall be designed to create interaction among workers, residents, and shoppers. The spaces shall also attempt to provide a pleasant gathering place for transit usage.

#### L. Phasing

1. ~~The second component of the rezoning application is the A Phasing Plan that identifies the stages of development build out shall be required as part of the zoning map change petition for any MU District. The submittal of a Phasing Plan shall be concurrent with the submittal of a Development Plan.~~
2. Some components of both residential and nonresidential uses shall be included in the first phase.

~~The Phasing Plan shall identify the sequence of development for the land uses shown on the Development Plan.~~

~~The Phasing Plan information may be prepared as a plan, a table, or a report. It shall include general phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed concurrent with the land use development. Land use development scheduling shall include some general indicator of size, either square footage or acres. The plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, schools, water and sewer systems, and~~

1 public safety. The applicant shall provide assurances that all the use categories will constructed  
2 and that the project will, in fact, result in a mixed-use development satisfying the purpose  
3 section of this district. A Phasing Plan (as described in this Section) must accompany the  
4 Development Plan. Site plans shall be submitted as specified in Section 17 of the ordinance.  
5 To further preclude the possibility of using the MU District zoning for a single purpose project,  
6 the following requirement must be met: Should commercial uses, or industrial uses be included  
7 in the first phase of the project, the developer must build some other use category in that phase  
8 either prior to or concurrent with the commercial or industrial uses.

9 **M. Traffic Impact Analysis**

- 10 1. A traffic impact study shall be required as a part of the Development Plan when  
11 portions of the development or the entire development will generate vehicle trip  
12 levels in excess of those identified in Sec. 3.3; however, ~~a special-use permit~~ the  
13 TSUP that may be required pursuant to Sec. 3.3.8 shall ~~is not be required~~ within  
14 the MU District.
- 15 2. ~~The Transportation Public Works Department or NCDOT having jurisdiction, as~~  
16 appropriate shall review the Development Plan as well as the projected on-site  
17 and off-site traffic impacts, and determine that the mixed use project is  
18 designed to adequately provide for transportation needs.
- 19 3. ~~The Public Works Department or NCDOT, as appropriate~~ may recommend that  
20 the governing body require the developer to limit access points, provide  
21 additional lanes, install traffic islands, provide transit facilities, install traffic  
22 signals, or make other improvements to assure traffic safety.

23 **N. Additional Requirements**

- 24 1. Construction of ~~greenways and bus shelters when appropriate,~~ shall be  
25 mandatory wherever the project includes or is adjacent to ~~the trails identified~~  
26 ~~on a previously adopted Greenway Plan or an existing or previously identified~~  
27 ~~transit line extension proposed in adopted documents by DATA, the Triangle~~  
28 ~~Transit Authority, or another public transit provider.~~
- 29 2. Lots may front on public or private streets. A plan for the future maintenance of  
30 project amenities and any private streets shall be submitted with the Site Plan.

31 **Performance Guarantees**

32 ~~The governing body shall require such measures as it deems necessary to assure~~  
33 ~~the proper phasing of development and to assure the provision of public~~  
34 ~~amenities and public facilities upon completion of each phase or upon full~~  
35 ~~development. Performance guarantees may include but are not limited to letters~~  
36 ~~of credit or surety bonds.~~

37 **Signs**

38 ~~An approved common signage plan as specified elsewhere in this ordinance~~  
39 ~~shall be required for the entire mixed-use zoning district prior to the issuance of~~  
40 ~~any sign permits. Sign size limits for nonresidential zones (excluding the CBD~~  
41 ~~District) shall apply to the Mixed Use District.~~

42 **Central Business District (CBD)**

43 **Dimensional Requirements**

44 ~~Minimum lot area: none specified~~

45 ~~Minimum lot width: none specified~~

46 **Yard Requirements**

47 ~~There are no specified yard requirements~~

48 **Height Requirements**

1 There are no specified height requirements.

2 ~~Density Requirements for Residential Development~~

3 A residential density of up to 50 units per acre is allowed. Additional density  
4 may be approved by the governing body through a special use permit.

5 Residential development in the CBD District shall not be required to meet open  
6 space, parking or buffer requirements. Combinations of commercial and  
7 residential uses are allowed and shall conform to any additional requirements  
8 specified in Section 4D.1.9.

9 Additional Requirements

10 Site plans shall be required for all new development.

11 Development in this district shall be exempt from buffer standards of this  
12 ordinance.

13 Development in this district shall be exempt from parking requirements  
14 specified elsewhere in this ordinance.

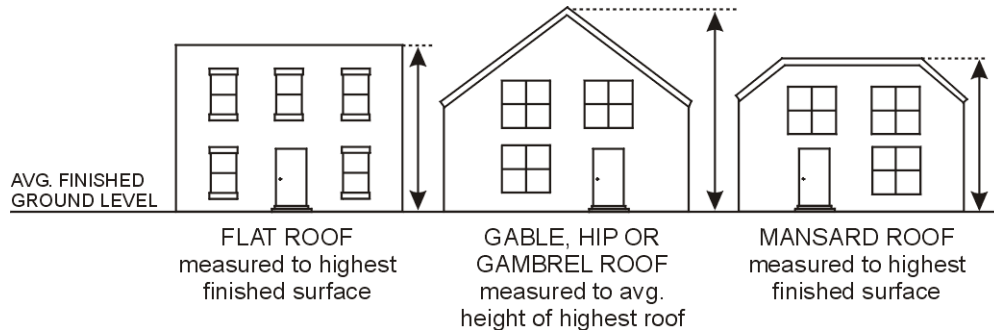
15 Establishments may have drive-up windows if the windows are identified and  
16 approved as part of site plan approval. Additional requirements of Section 8  
17 may apply.

18 Supplementary requirements of Section 7 may apply depending on the type of  
19 development.  
20

## Sec. 6.12 Measurement and Computation

### 6.12.1 Height

- A. Height shall be determined by the vertical distance from the average of the finished ground level to the highest finished roof surface of any flat roof or at the highest point of the highest roof having a pitch.



- B. ~~The height limitations of the zoning districts shall not apply to steeples, decorative features including parapet walls less than four feet, air conditioning units, utility poles, mechanical features, belfries, lightning rods, antennas, water towers, clock towers, or other towers which are not used for transmitting and receiving electronic signals.~~

~~Concealed communication towers that are contained within an architectural feature or structure specifically exempted in. Towers used for transmitting and receiving electronic signals are required to meet the height requirements found in. Parapet walls less than four feet high are also exempt from height limitations.~~

- C. ~~In approving a site plan or construction drawing containing such features listed above, consideration shall be given to whether the addition or feature is architecturally harmonious in such aspects as materials, height, proportion, bulk, scale and design with the building or complex of which it is a part, and if a stand-alone structure, whether such structure is harmonious with the surrounding area. The Inspections Department, after reviewing a construction drawing, may wish to consult with the Development Review Board [DRB] regarding the standards of this provision.~~

### 6.12.2 Width

- A. **Building Width**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street) at the point of the street yard, except in accordance with Sec. 6.8, Infill Development in Residential Districts, when the prevailing setback shall be used to fit the point of measurement.

- B. **Lot Width**

Lot width shall be measured by the distance between the side lot line (generally running perpendicular to a street), measured at the point of the street yard along a straight line parallel to the front of the property line or to the chord of the front property line.



### 6.12.3 Required Yards

#### A. General Standards for Required Yards

1. ~~That Required yards and setback spaces~~ shall be unobstructed by objects constructed or erected in a fixed location on the ground, buildings or structures, unless allowed by standards found elsewhere in this Ordinance (for example, ~~standards for fences~~).
2. ~~All Required yards and other open areas provided spaces and setbacks~~ for one ~~building or lot or building shall~~ can not be considered as providing yard space for another building or lot.
3. ~~All Required yards spaces and setbacks~~ shall be calculated from the ~~adjoining adjacent~~ property line and street right-of-way. If a new right-of-way width has been established by the adoption of an official thoroughfare planning document, then the yard requirement shall be measured from the proposed right-of-way line. ~~unless the property would be rendered unusable.~~  
~~Required off street parking and off street loading areas shall be allowed within yard and setback spaces.~~

#### B. Encroachments Into Required Yards

The following encroachment standards shall apply to all required yards, so long as they do not extend in any easements: ~~spaces:~~

1. Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend into yard spaces but may not occupy more than 30 square feet of the required yard space.
2. Sills and ornamental features may project up to two feet into any yard. ~~space.~~
3. Fire escapes may project up to 5 eight feet into any required yard. ~~spaces.~~ Fire escapes in the CBD District may extend beyond the property line with the approval of the Development Review Board.
4. Cornices and eaves may extend up to five feet into any required yard ~~spaces~~, but ~~must shall~~ remain at least two feet from within the property line, except on zero lot line homes.
5. Marquee signs and awnings may extend into yard spaces in conformance with standards found in the Sec. 11.6, Signs Requiring Permits.
6. Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving ~~authority body~~ that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
7. Security gates and guard stations may be located within any required yard.
8. At-grade patios, decks or uncovered terraces may extend up to four feet into any required side yard, or up to eight feet into any required ~~front~~ street yard, or within four feet of a rear property line. Uncovered steps and handicapped access ramps shall be exempt from this calculation.
9. Mechanical equipment for residential uses, such as HVAC units, may extend into any required side yard but shall remain at least six feet from within the property line.

1           **10.** Bay windows, entrances, balconies, and similar features that are less than ten  
2 feet wide may extend up to one and one-half feet into any required yard, but  
3 ~~must shall~~ remain at least six feet ~~from within~~ the property line.

4           ~~Piers and docks may be located in any yard spaces covered by adjacent water.~~

5           ~~No more than 50 percent of the rear yard area may be devoted to the~~  
6           ~~construction of improvements such as above-grade porches, decks, tennis~~  
7           ~~courts, pools, greenhouses, covered patios, or other similar features. Building~~  
8           ~~separations as specified in this ordinance shall be maintained. Uncovered steps~~  
9           ~~and handicapped access ramps shall be exempt from this calculation.~~

10           ~~Yard requirements may be reduced by the governing body at time of site plan~~  
11           ~~approval in order to provide for better access to transit facilities.~~

12   **6.12.4 Density**

13           ~~Other than calculating the Infill Density Bonus Area pursuant to Sec. 6.4.3C, all~~  
14           ~~right-of-way shall be excluded from the calculation of the area of project for density~~  
15           ~~purposes. Right-of-way shall mean the ultimate right-of-way as established by~~  
16           ~~NCDOT or the City of Durham, as appropriate.~~